

**4155. Misbranding of olive oil. U. S. v. Chas. P. Grogan. Plea of guilty. Fine, \$16.** (F. & D. No. 6213. I. S. No. 8839-h.)

On March 15, 1915, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Chas. P. Grogan, Los Angeles, Cal., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 22, 1913, from the State of California into the State of Missouri, of a quantity of olive oil which was misbranded. The product was labeled: (On shipping case) "Purity (design of dove) California Olive Oil From Chas. P. Grogan 2/3 doz. Los Angeles, Cal. Gal." (On can) "One Gallon Purity (Trade Mark) Guaranteed by Chas. P. Grogan under the Pure Food and Drugs Act of June 30, 1906, and California State Food and Drugs Act, March 11, 1907. Serial No. 4943. California Olive Oil Chas P. Grogan. Los Angeles, Cal."

Examination of a sample of the product by the Bureau of Chemistry of this department showed that this product was about one-half pint short on a gallon, or, that there was, in four cans, an average shortage of 6.55 per cent. It further showed that the cans would have held a full gallon if properly filled.

Misbranding of the article was alleged in the information for the reason that the following statement, appearing upon the labels of the four cans, to wit, "One gallon," was false and misleading in that it indicated to the purchasers thereof that each of said cans contained 1 gallon of said article of food, when, in truth and in fact, each of said cans did not contain 1 gallon of said article of food, but contained a less amount thereof, to wit, one can, 7.93 pints, another, 7.27 pints, and the other two, 7.36 pints. Misbranding was alleged for the further reason that the four cans containing the article were labeled "One Gallon" so as to deceive and mislead the purchaser into the belief that each contained 1 gallon of said article of food, when, in truth and in fact, each of said cans did not contain 1 gallon of the said article of food, but contained a less amount thereof, to wit, one can, 7.93 pints, another, 7.27 pints, and the other two, 7.36 pints.

On June 14, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$16.

CARL VROOMAN, *Acting Secretary of Agriculture.*